

John E. Delaney (#8481)
SALT LAKE CITY CORPORATION
P.O. Box 145478
451 South State Street, Suite 505A
Salt Lake City, Utah 84114-5478
Telephone: (801) 535-7788
Facsimile: (801) 535-7640
John.Delaney@slcgov.com

Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

NEIL PIKYAVIT, individually and as the
Father of DELOREAN PIKYAVIT, and as
Representative of the Estate of DELOREAN
PIKYVIT, DECEASED; JULIA and CARL
PETERSON, on BEHALF OF MINORS, A.P.
and K.P.,

Plaintiffs,

vs.

THE CITY OF SALT LAKE CITY, a
government entity; THE SALT LAKE CITY
POLICE DEPARTMENT, a government entity;
UNKNOWN POLICE OFFICER, a
government agent; DOE INDIVIDUALS 1 –
10, unknown individuals; AND ROE
CORPORATIONS I – X, unknown
corporations,

Defendants.

STIPULATED MOTION TO STAY

Case No. 2:19-cv-00262-HCN-DAO

Judge Howard C. Nielson, Jr.

Magistrate Judge Daphne A. Oberg

Plaintiffs Neil Pikyavit on behalf of the Estate of Delorean Pikyavit, Julia Peterson and Carl Peterson (collectively the “Plaintiffs”), and Defendants Salt Lake City Corporation, Salt Lake City Police Department and the individual defendants (collectively the “City”) jointly move for an amended order staying any further action in this case pending a determination from the criminal investigation currently pending before the Salt Lake County District Attorney’s Office (“D.A.’s Office”) arising from the incident at issue in Plaintiffs’ Complaint in this matter. As indicated previously, the criminal investigation is conducted pursuant to state law and also to a joint agreement between the D.A.’s Office and participating law enforcement agencies to perform joint investigations and independent review and screening for possible criminal charges of officer-involved critical incidents, including police officers’ use of deadly force while in the scope of their official duties. The parties agree that under the circumstances, good cause exists to warrant extending the current stay to avoid placing the Defendants in the position of having to choose between risking a loss in a civil case by invoking their Fifth Amendment rights, or risking conviction in a possible criminal case by waiving their Fifth Amendment rights and testifying in this matter.

Accordingly, the parties request a stay of this proceeding until the earlier of the disposition of the pending criminal investigation is released by the D.A.’s Office, or until March 30, 2021. Any party may move to lift the stay at any time.

A proposed form of order is submitted herewith.

DATED this 23rd day of December, 2020.

/s/ John E. Delaney
JOHN E. DELANEY
Attorney for Defendants

DATED this 23rd day of December, 2020.

/s/ Travis R. Marker
TRAVIS R. MARKER
Attorney for Plaintiffs
(Signed electronically with permission)

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December, 2020, a true and correct copy of the **STIPULATED MOTION TO STAY** was electronically filed with the Clerk of the Court, which sent notice to:

Travis R. Marker
MARKER LAW MEDIATION
333 2nd Street, Suite 16
Ogden, UT 84404
markerlawmediation@gmail.com
Attorney for Plaintiffs

The undersigned further certifies that a true and correct copy was sent by email to the following non-CM/ECF participants:

Edward T. Boyack, ted@boyacklaw.com
Michael VanLuven, mike@boyacklaw.com
BOYACK ORME & ANTHONY
Attorneys for Plaintiffs

/s/ Heidi Medrano